

REMARKS

Claims 1-19, 21-45 and 47 are pending in this application. Claims 1-18, 37-45 and 47 have been canceled without prejudice, and claims 19 and 32 have been amended by the present Amendment. No new matter is added by the amendment to claims 19 and 32.

REJECTIONS UNDER 35 U.S.C. § 103

Withdrawal is respectfully requested of the rejection of (1) claims 37 and 39-45 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2004/0130616 ("Tseng") in view of U.S. Patent No. 6,339,455 ("Allan"); and (2) claim 38 under 35 U.S.C. § 103(a) as being unpatentable over Tseng in view of Allan and International Patent Application Pub. No. WO/38951 ("Mathias").

Withdrawal is also respectfully requested of the rejection of (1) claims 1-11, 13-15 and 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,871,356 ("Chang") in view of Mathias and U.S. Patent No. 5,214,514 ("Haberkern"); (2) claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Mathias and Haberkern as applied to claim 1, and further in view of French Patent Application Pub. No. 2,817,812 ("Baret"); (3) claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Mathias and Haberkern as applied to claim 1, and further in view of U.S. Patent No. 4,982,996 ("Vottero-Fin"); (4) claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Mathias and Haberkern as applied to claim 1, and further in view of U.S. Patent No. 6,102,476 ("May"); and (5) 37-45 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Mathias and Allan.

Claims 1-18, 37-45 and 47 have been canceled without prejudice by the present Amendment. Accordingly, the rejections of claims 1-18, 37-45 and 47 are moot.

As such, Applicant requests that the Examiner withdraw the rejections of claims 1-18, 37-45 and 47 under 35 U.S.C. §103(a).

DOUBLE PATENTING

Claims 1-19, 21-45 and 47 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over (1) claims 1-65 of U.S. Patent No. 6,899,365 ("Lavelle"); and (2) claims 1-23 of U.S. Patent No. 7,245,274 ("Schedivy"). Lavelle and Schedivy are commonly owned by the assignee of the instant application.

Claims 1-18, 37-45 and 47 have been canceled without prejudice by the present Amendment. Accordingly, the double patenting rejections with respect to claims 1-18, 37-45 and 47 are rendered moot.

With respect to the double patenting rejections of claims 19 and 21-36, in order to advance prosecution of the instant application, Applicant submits herewith Terminal Disclaimers under 37 C.F.R. § 1.321 to obviate the double patenting rejections. The filing of Terminal Disclaimers is not intended to be, nor should it be construed as, an admission as to the merits of the rejections.

Accordingly, Applicant requests that the Examiner withdraw the double patenting rejections of claims 1-19, 21-45 and 47.

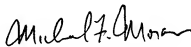
DEPENDENT CLAIMS

Applicant has not independently addressed the rejections of all the dependent claims because Applicant submits that, in view of the amendments to the claims

presented herein and, for at least similar reasons as why the independent claims from which the dependent claims depend are believed allowable as discussed, *supra*, the dependent claims are also allowable. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicant's Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael F. Morano", is written over a horizontal line.

Michael F. Morano
Reg. No. 44,952
Attorney for Applicant

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, NY 11797
(516) 692-8888